

Amend claim 9 as follows:

--9. (amended) Preparation according to claim 1 which contains the probiotics in a concentration of  $10^7$  to  $10^{11}$  live cells per gram of total product.--

Add the following new claims:

--10. (new) Preparation according to Claim 1, wherein the oligosaccharides have a degree of polymerization of 2 to 10.

--11. (new) Preparation according to Claim 1, wherein the oligosaccharides have a degree of polymerization of 2 to 6.

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--12. (new) Preparation according Claim 2, wherein the oligosaccharides have been obtained by the hydrolysis of one or more polysaccharides, chosen from  $\beta$ -(arabino)galactans,  $\beta$ -(arabino)xylans,  $\beta$ -glucans,  $\beta$ -glucomannans,  $\beta$ -galactomannans,  $\alpha$ -arabans, inulin and combinations thereof.

--13. (new) Preparation according to Claim 2, wherein the oligosaccharides originate from the hydrolysis of one or more fibres, such as fibres originating from oats, wheat, potatoes, sugar beet, soya polysaccharide and the like.--

R E M A R K S

The above changes in the claims merely place this national phase application in the same condition as it was during Chapter II of the international phase, with the multiple dependencies being removed. Following entry of this

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amendment by substitution of the pages, only Article 34 claims 1-9 remain pending in this application.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

Respectfully submitted,

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"VERSION WITH MARKINGS TO SHOW CHANGES MADE"

Amend claim 2 as follows:

--2. (amended) Preparation according to Claim 1, wherein the oligosaccharides have a degree of polymerization of 2 to 20, ~~preferably of 2 to 10, more preferentially of 2 to 6.~~--

Amend claim 3 as follows:

--3. (amended) Preparation according Claim ~~1 or 2~~, wherein the oligosaccharides have been obtained by the hydrolysis of one or more polysaccharides, chosen from  $\beta$ -(arabino)galactans,  $\beta$ -(arabino)xylans,  $\beta$ -glucans,  $\beta$ -glucomannans,  $\beta$ -galactomannans,  $\alpha$ -arabans, inulin and combinations thereof.--

Amend claim 5 as follows:

--5. (amended) Preparation according to Claim ~~1 or 2~~, wherein the oligosaccharides originate from the hydrolysis of one or more fibres, such as fibres originating from oats, wheat, potatoes, sugar beet, soya polysaccharides and the like.--

Amend claim 6 as follows:

--6. (amended) Preparation according to ~~one of the preceding claims~~ 1, wherein at least one of the bacterial strains is chosen from one or more strains of a *Lacto-bacillus* or a *Bifidobacterium* species and the yeast strain is a strain of a *Saccharomyces* species.--

Amend claim 7 as follows:

--7. (amended) Preparation according to ~~one of the preceding claims~~ 1 which also contains dead yeast cells.--

Amend claim 8 as follows:

--8. (amended) Preparation according ~~one of the preceding claims~~ 1, wherein the ratio between the one or more probiotics and the one or more non-digestible oligo-saccharides is in the range of 1 to 5 g oligosaccharides per  $10^8$  to  $10^{11}$  cells of the probiotic.--

Amend claim 9 as follows:

--9. (amended) Preparation according to ~~one of the preceding claims~~ 1 which contains the probiotics in a concentration fo  $10^7$  to  $10^{11}$  live cells per gram of total product.--